



## Title 42

On April 1, 2022, the federal government announced it would terminate a Trump-era border policy (commonly referred to as “Title 42”) on May 23, 2022. Unfortunately, a group of mostly Republican-controlled states filed a lawsuit challenging the government’s decision to end the Title 42 policy. On May 23, 2022, a federal judge in Louisiana prohibited the CDC from terminating the program.

### **What is Title 42 and when does it start?**

On March 20, 2020, the Center for Disease Control and Prevention (CDC), a federal government agency, announced an order allowing authorities to quickly expel migrants at US land borders. The CDC invoked a health-related statute under Title 42 of our federal laws to support this policy, which is why the media and elected officials often refer to this program simply as “Title 42.” In effect, this policy authorized the federal government to deport migrants without giving them an opportunity to apply for asylum or to even be heard in immigration court. The policy has been extended multiple times.

### **Why is it controversial?**

- Many community organizations hoped that President Biden would cancel the Title 42 order when he took office, given his campaign promises to build a more humane immigration system. Instead, his administration extended the policy more than a year into his presidency and defended it for months in court.
- Recently, the Biden administration announced that it will end Title 42. This announcement led most Republican elected officials in Washington, along with several Democratic officials as well, to question whether the Biden administration would be able to handle an expected increase in migrants at the border, despite the administration’s plan to transition from applying Title 42 to resuming its use of Expedited Removal proceedings at the southern border.
- Republican lawmakers running for re-election this fall are using the termination of Title 42 as a talking point to attack Democrats on immigration. Republicans who have spoken out about the importance of ending other pandemic restrictions now describe ending Title 42 as a dangerous mistake.
- Democrats in swing states facing tough re-election battles have also criticized the move, arguing the administration has no clear plan.
- Republican lawmakers have crafted legislation that would codify this policy and prevent the Biden administration from terminating the Title 42 program.

### **What can be done?**

- Make the Road and allies across the country have had conversations with elected officials to stress the importance of standing firm and rejecting any legislation that would codify Title 42.
- The Congressional Progressive Caucus (CPC) issued a statement on Thursday, May 19, 2022, opposing the reinstatement and codification of Title 42, an important step in this fight.